


On May 27, 2022, plaintiff moved for relief and for the case to be reopened. See Mot. [D.E. 8] (asserting, among other things, his application to proceed without prepayment of fees was placed in the prison mail, but Scotland C.I. employees are “obstructing” his correspondences).

The decision to alter or amend a judgment is within the sound discretion of the court. Dennis v. Columbia Colleton Med. Ctr., Inc., 290 F.3d 639, 653 (4th Cir. 2002). Although the court finds the post-judgment filings somewhat response to the order of deficiency, the court also notes that plaintiff still has neither paid the filing fee, nor filed an application to proceed without prepayment of fees, and he did not file his complaint on the forms prescribed for use by the court.

Accordingly, the court, in its discretion: DEEMS plaintiff’s May 19, 2022, motion a timely response to the order of deficiency; GRANTS IN PART the motion to the extent plaintiff seeks reconsideration of the court’s prior order dismissing the action for failure to prosecute [D.E. 6]; DENIES as premature the motion for a hearing [D.E. 7]; GRANTS IN PART the motion seeking to reopen the case [D.E. 8]; and DIRECTS the clerk to re-open the case and to send plaintiff both the forms for filing an FTCA complaint and an application to proceed without prepayment of fees.

The court further: DIRECTS plaintiff, not later than June 27, 2022, to file his complaint on the correct forms and to either file the application to proceed without prepayment of fees, or pay the filing fee; and WARNS plaintiff that, if he fails to comply with this order within the time provided, the court will dismiss this action without prejudice for failure to prosecute.

SO ORDERED, this 27th day of May 2022.


RICHARD E. MYERS II
Chief United States District Judge